

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-6, 8-27 and 29-30 are pending in this application. Claims 11 and 24 are amended. Claims 29 and 30 are newly added this amendment.

Telephone Interview

Applicants thank Examiner Suglo for granting the telephone interview conducted on January 11, 2008. During the telephone interview, Applicants' Representative, Scott A. Elchert Reg. No. 55,149, discussed issues relating to the combination of the cited references. Examiner Suglo indicated the arguments provided below relating to the combination of the cited references would be considered when formally submitted in a written response and indicated a Declaration submitted as evidence as to support the arguments would be helpful. Examiner Suglo requested the Declaration be submitted along with a Request for Continued Examination. In light of the Examiner's suggestion a Declaration will likely be filed when completed.

Claim Objections

Claim 11 is objected to because of a minor informality. Claim 11 is amended to recite "at least one parameter" instead of "parameter."

Claim 24 is objected to because of a minor informality. Claim 24 is amended to recite "as claimed in claim 1" instead of "as claimed in claim 7," since claim 7 was previously cancelled.

Accordingly, Applicants respectfully submit the objection to claims 11 and 24 are overcome.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 3-6, 8-21 and 23-27:

Claims 1, 3-6, 8-21 and 23-27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Frank et al. (WO 99/60487, herein Frank) in view of Dönig et al. (U.S. Patent No. 5,471,377, herein Dönig). Applicants respectfully traverse this rejection as detailed below.

Page 4, lines 7-8 of the outstanding Office Action acknowledges that Frank does not disclose an electrostatic filter and thus, fails to disclose a PC arrangement for visualization, diagnosis and expert systems for at least one of regulating, monitoring and controlling high-voltage supply units for electrostatic filters. However, page 4, lines 8-13 of the outstanding Office Action states “Dönig teaches controlling high-voltage supply units for electrostatic filters (Dönig: e.g., col 1, ln 11-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Frank to include controlling high-voltage supply units for electrostatic filters as done by Dönig because this control method enables optimal operation, create economic efficiency, and reduce personnel costs (Dönig: e.g., col 1, ln 45-50 and 59-63).”

However, Applicants submit that one skilled in the art would not combine the teachings of Frank and Dönig as detailed below. Electrostatic filters are primarily used in the cement industry and/or steel industry. Applicants submit the field of electrostatic filters represents a very narrow segment of the technology having specific rules that are rarely applied in other technical fields. Accordingly, there is only a very small group of experts that deal with the problem of control and regulation of high-voltage supply units for electrostatic filters.

In light of the above, Applicants submit the relevant question to be considered by the Examiner is whether it would suggest itself to one skilled in the art of control and regulation of electrostatic filters to use the technology disclosed in Frank at the time of the invention? In short the answer to this question is no as further explained below.

Frank discloses a general teaching for controlling (control and regulation) object-oriented electro-mechanical systems with the aid of a computer network. Frank describes a detailed design of a computer network and how this network is connected to super-imposed systems. However, it is not disclosed anywhere in Frank how the control system could or should be incorporated into the specialized optimization technology of electrostatic filters.

Not only is the incorporation of the control unit for the electrostatic filter not disclosed in Frank, Frank contains contrary material that would prevent one skilled in the art of control and regulation of electrostatic filters from using the teachings of Frank to control electrostatic filters, which are primarily used in the cement and/or steel industry. In particular, page 19, line 18 to page 20, line 5 describes the use of a 32-bit processor and an Echelon co-processor. Bit-rates of these processors, and especially the use of an Echelon co-processor, are significantly different from processors normally used in the cement industry and/or the steel industry to control and monitor electrostatic filters. Indeed there is a prejudice against use of these processors, which operate with extremely high clocking rates because the high clocking rates are subject to more errors than processors with low clocking rates and because the operation during a malfunction is extremely difficult to reproduce with Echelon co-processors.

Further, Frank discloses a system that is considerably more complicated and thus, also has a higher risk of malfunctions than the data net of a cement plant and/or steel plant in which electrostatic filters are primarily used. Page 16, lines 11-16 describes that a so-to-speak optional number of service objects can be operated and used, however, this would result in errors. On the whole, the system described in Frank is so complex that it requires several 100 milliseconds for the access times, as described on the bottom of page 16 of Frank. However, this is completely unsuitable for the control and regulation of an electrostatic filter. One skilled in the art of control and regulation of electrostatic filters recognizes a electrostatic filter must respond within

approximately 25 milliseconds and, if possible, should even respond by 10 milliseconds. The network disclosed in Frank is totally unsuitable for use in a PC arrangement for visualization, diagnosis and expert systems for at least one of regulating, monitoring and controlling high-voltage supply units for electrostatic filters.

For the aforementioned reasons, particularly for the reason of excessively long access and reaction times for the system described in Frank, relative to the required short reaction and response times required for a control and regulation system for high-voltage supply unit for electrostatic filters, one skilled in the art would not consider combining the teachings of Frank with the teachings of Dönig. The reasons set forth in the Office Action are theoretical reflections that it is possible to arrive at the technology according to Dönig by tearing the content disclosed in Frank into the right pieces. However, this tearing apart is a result of impermissible hindsight analysis using the Applicants' own disclosure.

In light of the above, Applicants respectfully request the rejection of independent claim 1, as well as claims 3-21 and 23-28 depending therefrom, under 35 U.S.C. § 103(a) be withdrawn.

Claims 2 and 22:

Claims 2 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Frank in view of Dönig, and further in view of Krivoshein (U.S. Patent No. 6,449,715). Applicants respectfully traverse this rejection as detailed below.

Applicants' review of Krivoshein indicates that Krivoshein fails to cure the deficiencies regarding Frank and Dönig discussed above. In particular, Krivoshein would not provide reasoning or motivation to one skilled in the art of control and regulation of electrostatic filters for combining Frank and Dönig with respect to amended independent claims 1.

Accordingly, Applicants respectfully request that the rejection of claims 2 and 22, which depend from claim 1, under 35 U.S.C. § 103(a) be withdrawn.

New Claims

Applicants respectfully note that new claims 29 and 30 further specify that the "other data transmittable at a request of one of the client PCs," as recited in claim 1. For example, claim 29 indicates the other data oscilloscope data. Applicants submit that the features of claim 29 patentably distinguish over both Frank and Dönig either alone, or in any proper combination.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of this application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


Donald J. Daley, Reg. No. 34,313

Scott A. Elchert, Reg. No. 55,149

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000